

Message Text

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PAGE 01 MONTEV 03142 041836Z

64

ACTION L-02

INFO OCT-01 ARA-06 ISO-00 SCA-01 JUSE-00 RSC-01 /011 W

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R 041750Z NOV 74

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 7612

LIMITED OFFICIAL USE MONTEVIDEO 3142

E.O. 11652: N/A

TAGS: PFOR, US, UY

SUBJ: US-GOU EXTRADITION TREATY

REFS: (AL MVD 2563: (B) STATE 206815

1. FURTHER DISCUSSIONS WITH MEMBERS COUNCIL OF STATE FOREIGN RELATIONS COMMITTEE SHOW THAT ARTICLE 7 OF NEW TREATY HAS NOT ALLAYED COUNCILORS' CONCERNS. WE NOW KNOW REASONS FOR CONCERN AND ARE COUNTERING IT. HOWEVER, FURTHER DEPARTMENT GUIDANCE REQUESTED.

2. COUNCILORS ARE CONCERNED OVER POSSIBILITY THAT, DESPITE ARTICLE 7, A STATE MAY REQUEST THAT USG SEEK EXTRADITION ON ITS BEHALF AND THAT ONCE THE STATE TOOK CUSTODY A STATE COURT MIGHT SENTENCE ACCUSED TO DEATH DESPITE TREATY. PRIOR TO LATEST DISCUSSIONS COUNCILORS DID NOT KNOW TREATIES TOOK PRECEDENCE OVER STATE LAW. THEY NOW KNOW. HOWEVER, IN ORDER TO LAY THEIR FEARS COMPLETELY TO REST, EMBASSY WOULD APPRECIATE KNOWING HOW THE STATES WOULD BE DETERRED FROM IMPOSING DEATH PENALTY IN VIOLATION OF TREATY. WOULD, FOR EXAMPLE, GOVERNOR AGREE IN ADVANCE TO COMMUTATION OF SENTENCE? WOULD FEDERAL COURT ISSUE RESTRAINING ORDER PROHIBITING EXECUTION OF SENTENCE? OTHER?

3. IF WE CAN GIVE COUNCILORS SOLID RESPONSE AS TO HOW PRECEDENCE OF TREATY OVER STATE LAW WOULD BE APPLIED WE BELIEVE THIS TREATY CAN BE CONCLUDED EXPEDITIOUSLY.

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4. ADS 11/4/75. SIRACUSA

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Handling Restrictions: n/a
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ISecure: 1
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Review Authority: MorefiRH
Review Comment: n/a
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